

No. 4:08-CV-18-F

H. LEE FARTHING
Defendant.

ORDER

This matter is before the court upon the Rule 60 Motion to Correct Clerical Mistake in Judgment [DE-25] filed by Plaintiffs A. Miles Cartrette and Jennifer J. Cartrette. For the reasons set forth below, the Motion is ALLOWED.

In the Motion, Plaintiffs note that on December 12, 2008, the court allowed their Motion for Default Judgment against Defendant H. Lee Farthing, and the Clerk of Court entered a corresponding Judgment [DE-19] that same day. The Judgment, however, lists Defendant as “F. Lee Farthing” instead of “H. Lee Farthing,” as indicated on the caption of the case. Accordingly, Plaintiffs move, pursuant to Rule 60(a), to correct the clerical error in the judgment.

Federal Rule of Civil Procedure 60(a) provides, in pertinent part:

The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice.


Fed. R. Civ. P. 60(a). The Fourth Circuit Court of Appeals has explained that “Rule 60(a) is properly utilized ‘to perform a completely ministerial task’ . . . but not ‘revisit the merits of the question’ or ‘reconsider[] the matter.’” *Caterpillar Fin. Servs. Corp. v. F/V Site Clearance I*, 275

F. App'x 199, 204-05 (quoting *Koznoski v. Howley*, 33 F.3d 376, 379 (4th Cir. 1994)). Here, Plaintiffs seek to correct a plain clerical error, which is appropriate under Rule 60(a). Additionally, the court observes that the clerical error in the Judgment appears to stem from the "conclusion" language at the end of the December 12, 2008 Order [DE-22]. This, too, the court may *sua sponte* correct under Rule 60(a).

Accordingly, it is hereby ORDERED that the December 12, 2008, Order [DE-22] is AMENDED to reflect that judgment is against Defendant H. Lee Farthing, and is ratified in all other respects. Plaintiff's Motion to Correct Clerical Mistake [DE-25] is ALLOWED, and the Clerk of Court is DIRECTED to issue a corrected judgment against Defendant H. Lee Farthing.

SO ORDERED.

This the 17th day of January, 2014.



JAMES C. FOX
Senior United States District Judge